

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CALLAWAY GOLF COMPANY,

Plaintiff,

v.

ACUSHNET COMPANY,

Defendant

C. A. No. 06-91 (SLR)

**STIPULATED WITHDRAWAL OF MOTION TO DISQUALIFY DR. FELKER**

WHEREAS Acushnet has been unable to consult with Dr. Felker due to the pendency of the motion to Disqualify Dr. Felker, and Acushnet has now submitted expert reports by other technical experts in light of the Court's schedule;

WHEREAS Acushnet now has no further intention of using Dr. Felker as a consultant in this matter, whether formally as an expert witness or otherwise; and

WHEREAS Acushnet, in the event circumstances shall materially change its intentions or Acushnet desires to contact Dr. Felker as a possible fact witness in this matter, has agreed it will contact Callaway's counsel (i.e., to address the issues raised by Callaway's Motion to Disqualify Dr. Felker (D.I. 77)) BEFORE contacting Dr. Felker, making any effort to communicate with him as a possible fact witness in this matter, or engaging him as a consultant;

NOW THEREFORE the parties stipulate that the pending motion to disqualify Dr. Felker (D.I. 77) is moot and respectfully request that the motion be withdrawn.

FISH & RICHARDSON P.C.

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*Attorneys for Defendant  
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SO ORDERED this \_\_\_\_\_ day of July, 2007.

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United States District Judge